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The President

PROCLAIMING THE NEUTRALITY OF THE UNITED STATES IN THE WAR BETWEEN GERMANY AND FRANCE; POLAND; AND THE UNITED KINGDOM, INDIA, AUSTRALIA AND NEW ZEALAND

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS a state of war unhappily exists between Germany and France; Poland; and the United Kingdom, India, Australia and New Zealand.

AND WHEREAS the United States is on terms of friendship and amity with the contending powers, and with the persons inhabiting their several dominions;

AND WHEREAS there are nationals of the United States residing within the territories or dominions of each of the said belligerents, and carrying on commerce, trade, or other business or pursuits therein;

AND WHEREAS there are nationals of each of the said belligerents residing within the territory or jurisdiction of the United States, and carrying on commerce, trade, or other business or pursuits therein;

AND WHEREAS the laws and treaties of the United States, without interfering with the free expression of opinion and sympathy, nevertheless impose upon all persons who may be within their territory and jurisdiction the duty of an impartial neutrality during the existence of the contest;

AND WHEREAS it is the duty of a neutral government not to permit or suffer the making of its territory or territorial waters subservient to the purposes of war;

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, in order to preserve the neutrality of the United States and of its citizens and of persons within its territory and jurisdiction, and to enforce its laws and treaties, and in order that all persons, being warned of the general tenor of the laws and treaties of the United States in this behalf, and of the

law of nations, may thus be prevented from any violation of the same, do hereby declare and proclaim that by certain provisions of the act approved on the 4th day of March, A. D. 1909, commonly known as the "Penal Code of the United States" and of the act approved on the 15th day of June, A. D. 1917, the following acts are forbidden to be done, under severe penalties, within the territory and jurisdiction of the United States, to wit:

1. Accepting and exercising a commission to serve one of the said belligerents by land or by sea against an opposing belligerent.

2. Enlisting or entering into the service of a belligerent as a soldier, or as a marine, or seaman on board of any ship of war, letter of marque, or privateer.

3. Hiring or retaining another person to enlist or enter himself in the service of a belligerent as a soldier, or as a marine, or seaman on board of any ship of war, letter of marque, or privateer.

4. Hiring another person to go beyond the limits or jurisdiction of the United States with intent to be enlisted as aforesaid.

5. Hiring another person to go beyond the limits or jurisdiction of the United States with intent to be entered into service as aforesaid.

6. Retaining another person to go beyond the limits or jurisdiction of the United States to be enlisted as aforesaid.

7. Retaining another person to go beyond the limits or jurisdiction of the United States with intent to be entered into service as aforesaid. (But the said act of the 4th day of March, A. D. 1909, as amended by the act of the 15th day of June, A. D. 1917, is not to be construed to extend to a citizen or subject of a belligerent who, being transiently within the jurisdiction of the United States, shall, on board of any ship of war, which, at the time of its arrival within the jurisdiction of the United States, was fitted and equipped as such ship of war, enlist or enter himself or hire or retain another subject or citizen of the same belligerent, who is transiently within the jurisdiction of the United States, to enlist or enter himself to serve such belligerent on board

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such ship of war, if the United States shall then be at peace with such belligerent.)

8. Fitting out and arming, or attempting to fit out and arm, or procuring to be fitted out and armed, or knowingly being concerned in the furnishing, fitting out, or arming of any ship or vessel with intent that such ship or vessel shall be employed in the service of one of the said belligerents to cruise, or commit hostilities against the subjects, citizens, or property of an opposing belligerent.

9. Issuing or delivering a commission within the territory or jurisdiction of the United States for any ship or vessel to the intent that she may be employed as aforesaid.

10. Increasing or augmenting, or procuring to be increased or augmented, or knowingly being concerned in increasing or augmenting, the force of any ship of war, cruiser, or other armed vessel, which at the time of her arrival within the jurisdiction of the United States was a ship of war, cruiser, or armed vessel in the service of a belligerent, or belonging to a national thereof, by adding to the number of guns of such vessel, or by changing those on board of her for guns of a larger caliber, or by the addition thereto of any equipment solely applicable to war.

11. Knowingly beginning or setting on foot or providing or preparing a means for or furnishing the money for, or taking part in, any military or naval expedition or enterprise to be carried on from the territory or jurisdiction of the United States against the territory or dominion of a belligerent.

12. Despatching from the United States, or any place subject to the jurisdiction thereof, any vessel, domestic or foreign, which is about to carry to a warship, tender, or supply ship of a belligerent any fuel, arms, ammunition, men, supplies, despatches, or information shipped or received on board within the jurisdiction of the United States.

13. Despatching from the United States, or any place subject to the jurisdiction thereof, any armed vessel owned wholly or in part by American citizens, or any vessel, domestic or foreign (other than one which has entered the jurisdiction of the United States as a public vessel), which is manifestly built for warlike purposes or has been converted or adapted from a private vessel to one suitable for warlike use, and which is to be employed to cruise against or commit or attempt to commit hostilities upon the subjects, citizens, or property of a belligerent nation, or which will be sold or delivered to a belligerent nation, or to an agent, officer, or citizen thereof, within the jurisdiction of the United States, or, having left that jurisdiction, upon the high seas.

14. Despatching from the United States, or any place subject to the jurisdiction thereof, any vessel built, armed, or equipped as a ship of war, or converted from a private vessel into a ship of war (other than one which has entered the jurisdiction of the United States as a public vessel), with any intent or under any agreement or contract, written or oral, that such vessel shall be delivered to a belligerent nation, or to any agent, officer, or citizen of such nation, or where there is reasonable cause to believe that the said vessel shall or will be employed in the service of such belligerent nation after its departure from the jurisdiction of the United States.

15. Taking, or attempting or conspiring to take, or authorizing the taking of any vessel out of port or from the jurisdiction of the United States in violation of the said act of the 15th day of June, A. D. 1917, as set forth in the preceding paragraphs numbered 11 to 14 inclusive.

16. Leaving or attempting to leave the jurisdiction of the United States by a person belonging to the armed land or naval forces of a belligerent who shall have been interned within the jurisdiction of the United States in accordance with the law of nations, or leaving or attempting to leave the limits of internment in which freedom of movement has been allowed, without permission from the proper official of the United States in charge, or wilfully overstaying a leave of absence granted by such official.

17. Aiding or enticing any interned person to escape or attempt to escape from the jurisdiction of the United States, or from the limits of internment prescribed.

AND I do hereby further declare and proclaim that any frequenting and use of the waters within the territorial jurisdiction of the United States by the vessels of a belligerent, whether public ships or privateers for the purpose of preparing for hostile operations, or as posts of observation upon the ships of war or privateers or merchant vessels of an opposing belligerent must be regarded as unfriendly and offensive, and in violation of that neutrality which it is the determination of this government to observe; and to the end that the hazard and inconvenience of such apprehended practices may be avoided, I further proclaim and declare that from and after the fifth day of September instant, and so long as this proclamation shall be in effect, no ship of war or privateer of any belligerent shall be permitted to make use of any port, harbor, roadstead, or waters subject to the jurisdiction of the United States as a station or place of resort for any warlike purpose or for the purpose of obtaining warlike equipment; no privateer of a belligerent shall be permitted to depart from any port, harbor, roadstead, or waters subject to the jurisdiction of the United States; and no ship of war of a belligerent shall be permitted to sail out of or leave any port, harbor, roadstead, or waters subject to the jurisdiction of the United States from which a vessel of an opposing belligerent (whether the same shall be a ship of war or a merchant ship) shall have previously departed, until after the expiration of at least twenty-four hours from the departure of such last mentioned vessel beyond the jurisdiction of the United States.

If any ship of war of a belligerent shall, after the time this notification takes effect, be found in, or shall enter any port, harbor, roadstead, or waters subject to the jurisdiction of the United States, such vessel shall not be permitted to remain in such port, harbor, roadstead, or waters more than twenty-four hours, except in case of stress of weather, or for delay in receiving supplies or repairs, or when detained by the United States; in any of which cases the authorities of the port, or of the nearest port (as the case may be), shall require her to put to sea as soon as the cause of the delay is at an

end, unless within the preceding twenty-four hours a vessel, whether ship of war or merchant ship of an opposing belligerent, shall have departed therefrom, in which case the time limited for the departure of such ship of war shall be extended so far as may be necessary to secure an interval of not less than twenty-four hours between such departure and that of any ship of war or merchant ship of an opposing belligerent which may have previously quit the same port, harbor, roadstead, or waters.

Vessels used exclusively for scientific, religious, or philanthropic purposes are exempted from the foregoing provisions as to the length of time ships of war may remain in the ports, harbors, roadsteads, or waters subject to the jurisdiction of the United States.

The maximum number of ships of war belonging to a belligerent and its allies which may be in one of the ports, harbors, or roadsteads subject to the jurisdiction of the United States simultaneously shall be three.

When ships of war of opposing belligerents are present simultaneously in the same port, harbor, roadstead, or waters, subject to the jurisdiction of the United States, the one entering first shall depart first, unless she is in such condition as to warrant extending her stay. In any case the ship which arrived later has the right to notify the other through the competent local authority that within twenty-four hours she will leave such port, harbor, roadstead, or waters, the one first entering, however, having the right to depart within that time. If the one first entering leaves, the notifying ship must observe the prescribed interval of twenty-four hours. If a delay beyond twenty-four hours from the time of arrival is granted, the termination of the cause of delay will be considered the time of arrival in deciding the right of priority in departing.

Vessels of a belligerent shall not be permitted to depart successively from any port, harbor, roadstead, or waters subject to the jurisdiction of the United States at such intervals as will delay the departure of a ship of war of an opposing belligerent from such ports, harbors, roadsteads, or waters for more than twenty-four hours beyond her desired time of sailing. If, however, the departure of several ships of war and merchant ships of opposing belligerents from the same port, harbor, roadstead, or waters is involved, the order of their departure therefrom shall be so arranged as to afford the opportunity of leaving alternately to the vessels of the opposing belligerents, and to cause the least detention consistent with the objects of this proclamation.

All belligerent vessels shall refrain from use of their radio and signal apparatus while in the harbors, ports, roadsteads, or waters subject to the jurisdiction of

the United States, except for calls of distress and communications connected with safe navigation or arrangements for the arrival of the vessel within, or departure from, such harbors, ports, roadsteads, or waters, or passage through such waters; provided that such communications will not be of direct material aid to the belligerent in the conduct of military operations against an opposing belligerent. The radio of belligerent merchant vessels may be sealed by the authorities of the United States, and such seals shall not be broken within the jurisdiction of the United States except by proper authority of the United States.

No ship of war of a belligerent shall be permitted, while in any port, harbor, roadstead, or waters subject to the jurisdiction of the United States, to take in any supplies except provisions and such other things as may be requisite for the subsistence of her crew in amounts necessary to bring such supplies to her peace standard, and except such fuel, lubricants, and feed water only as may be sufficient, with that already on board, to carry such vessel, if without any sail power, to the nearest port of her own country; or in case a vessel is rigged to go under sail, and may also be propelled by machinery, then half the quantity of fuel, lubricants, and feed water which she would be entitled to have on board, if dependent upon propelling machinery alone, and no fuel, lubricants, or feed water shall be again supplied to any such ship of war in the same or any other port, harbor, roadstead, or waters subject to the jurisdiction of the United States until after the expiration of three months from the time when such fuel, lubricants and feed water may have been last supplied to her within waters subject to the jurisdiction of the United States. The amounts of fuel, lubricants, and feed water allowable under the above provisions shall be based on the economical speed of the vessel, plus an allowance of thirty per centum for eventualities.

No ship of war of a belligerent shall be permitted, while in any port, harbor, roadstead, or waters subject to the jurisdiction of the United States, to make repairs beyond those that are essential to render the vessel seaworthy and which in no degree constitute an increase in her military strength. Repairs shall be made without delay. Damages which are found to have been produced by the enemy's fire shall in no case be repaired.

No ship of war of a belligerent shall effect repairs or receive fuel, lubricants, feed water, or provisions within the jurisdiction of the United States without written authorization of the proper authorities of the United States. Before such authorization will be issued, the commander of the vessel shall furnish to such authorities a written declaration, duly signed by such commander, stating

the date, port, and amounts of supplies last received in the jurisdiction of the United States, the amounts of fuel, lubricants, feed water, and provisions on board, the port to which the vessel is proceeding, the economical speed of the vessel, the rate of consumption of fuel, lubricants, and feed water at such speed, and the amount of each class of supplies desired. If repairs are desired, a similar declaration shall be furnished stating the cause of the damage and the nature of the repairs. In either case, a certificate shall be included to the effect that the desired services are in accord with the rules of the United States in that behalf.

No agency of the United States Government shall, directly or indirectly, provide supplies nor effect repairs to a belligerent ship of war.

No vessel of a belligerent shall exercise the right of search within the waters under the jurisdiction of the United States, nor shall prizes be taken by belligerent vessels within such waters. Subject to any applicable treaty provisions in force, prizes captured by belligerent vessels shall not enter any port, harbor, roadstead, or waters under the jurisdiction of the United States except in case of unseaworthiness, stress of weather, or want of fuel or provisions; when the cause has disappeared, the prize must leave immediately, and if a prize captured by a belligerent vessel enters any port, harbor, roadstead, or waters subject to the jurisdiction of the United States for any other reason than on account of unseaworthiness, stress of weather, or want of fuel or provisions, or fails to leave as soon as the circumstances which justified the entrance are at an end, the prize with its officers and crew will be released and the prize crew will be interned. A belligerent Prize Court cannot be set up on territory subject to the jurisdiction of the United States or on a vessel in the ports, harbors, roadsteads, or waters subject to the jurisdiction of the United States.

The provisions of this proclamation pertaining to ships of war shall apply equally to any vessel operating under public control for hostile or military purposes.

AND I do further declare and proclaim that the statutes and the treaties of the United States and the law of nations alike require that no person, within the territory and jurisdiction of the United States, shall take part, directly or indirectly, in the said war, but shall remain at peace with all of the said belligerents, and shall maintain a strict and impartial neutrality.

AND I do further declare and proclaim that the provisions of this proclamation shall apply to the Canal Zone except in so far as such provisions may be specifically modified by a proclamation or proclamations, issued for the Canal Zone.

AND I do hereby enjoin all nationals of the United States, and all persons residing or being within the territory or jurisdiction of the United States, to observe the laws thereof, and to commit no act contrary to the provisions of the said statutes or treaties or in violation of the law of nations in that behalf.

AND I do hereby give notice that all nationals of the United States and others who may claim the protection of this government, who may misconduct themselves in the premises, will do so at their peril, and that they can in no wise obtain any protection from the government of the United States against the consequences of their misconduct.

This proclamation shall continue in full force and effect unless and until modified, revoked or otherwise terminated, pursuant to law.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States to be affixed.

DONE at the city of Washington this fifth day of September in the year of our Lord nineteen hundred and [SEAL] thirty-nine, and of the Independence of the United States of America the one hundred and sixty-fourth.

FRANKLIN D. ROOSEVELT

By the President:

CORDELL HULL

Secretary of State.

[No. 2348]

[F. R. Doc. 39-3240; Filed, September 5, 1939; 3:54 p. m.]

EXECUTIVE ORDER

CONTROL OF THE PANAMA CANAL AND THE CANAL ZONE

By virtue of the power and authority vested in and conferred upon me by section 8 of title 2 of the Canal Zone Code, approved June 19, 1934 (48 Stat. 1122), and as President of the United States, it is hereby ordered that the Officer of the Army commanding the United States Troops stationed in the Canal Zone shall, until otherwise ordered, assume and have exclusive authority and jurisdiction over the operation of the Panama Canal and all its adjuncts, appendants, and appurtenances, including the entire control and government of the Canal Zone; and, while this order is in force, the Governor of the Panama Canal shall, in all respects and particulars as to the operation of the Panama Canal and all duties, matters and transactions affecting the Canal Zone, be subject to the order and direction of the Officer of the Army herein designated.

FRANKLIN D. ROOSEVELT

THE WHITE HOUSE,

September 5, 1939.

[No. 8232]

[F. R. Doc. 39-3241; Filed, September 5, 1939; 5:57 p. m.]

Rules, Regulations, Orders

TITLE 14—CIVIL AVIATION

CIVIL AERONAUTICS AUTHORITY

[Amendment No. 25 of the Civil Air Regulations]

REVISING AIRWAY TRAFFIC CONTROL AREA DESIGNATION, AMBER CIVIL AIRWAY No. 1

At a session of the Civil Aeronautics Authority held at its office in Washington, D. C., on the 1st day of September 1939.

Acting pursuant to the authority vested in it by the Civil Aeronautics Act of 1938, particularly sections 205 (a) and 601 (a) of said Act, and finding that its action is desirable in the public interest and is necessary to carry out the provisions of, and to exercise and perform its powers and duties under said Act, the Civil Aeronautics Authority hereby amends the Civil Air Regulations as follows:

Section 60.2410 of the Civil Air Regulations is amended to read as follows:

"§ 60.2410 *Amber civil airway No. 1.* From the intersection of the center line of the south leg of the San Diego, Calif., radio range and the U. S.-Mexican border (San Ysidro, Calif.) to a point 25 miles south of the Medford, Oreg., radio range station."

This amendment shall become effective on and after 12:01 A. M., E. S. T., October 1, 1939.

By the Authority.

[SEAL]

PAUL J. FRIZZELL,
Secretary.

[F. R. Doc. 39-3224; Filed, September 2, 1939; 10:51 a. m.]

TITLE 16—COMMERCIAL PRACTICES

FEDERAL TRADE COMMISSION

[Docket No. 3643]

IN THE MATTER OF THE JOSEPH DIXON CRUCIBLE COMPANY, ET AL.

§ 3.27 (d) *Combining or conspiring—To enhance, maintain or unify prices.* By agreement or combination, and in connection with the offer, sale or distribution of wood-cased lead pencils in commerce between and among the various states and in the District of Columbia, (1) fixing or maintaining uniform prices, terms or conditions for the sale of comparable wood-cased lead pencils; or (2) changing simultaneously the prices at which comparable wood-cased lead pencils are to be sold or are sold; or (3) adopting, fixing or determining uniform schedules of quantity or annual cumulative discounts on comparable wood-cased lead pencils; or (4) fixing or determining uniform prices of wood-cased lead pencils known in the trade as "blanks", i. e., pencils upon which

neither name nor brand of manufacturer appears; or (5) offering uniform bids on comparable wood-cased lead pencils to prospective purchasers thereof; or (6) for the purpose of effectuating any agreement or combination to fix or maintain uniform prices in the United States for the sale of comparable wood-cased lead pencils, (a) investigating or consulting with each other with respect to a standardization program having as its objective the limitation of the styles, grades or qualities of wood-cased lead pencils manufactured and offered for sale by any of the respondents, (b) reporting to The Lead Pencil Association, Inc., its successors or assigns, or any other association of lead pencil manufacturers, monthly statistics by each member of such an association, showing new orders, production for shipment, unfilled orders, and inventory of finished stock, and causing said association to report to each member thereof industry totals with the individual percentage of any member of such totals, (c) classifying the members of The Lead Pencil Association, Inc., its successors or assigns, or any other association of lead pencil manufacturers, into different classes according to the amount of business done by each respondent member thereof annually, (d) having the Lead Pencil Association, Inc., its successors or assigns, or any other association of lead pencil manufacturers, or William A. McDermid, or any other party or parties connected with The Lead Pencil Association, Inc., its successors or assigns, or any other association of lead pencil manufacturers, supervise the activities of the members of such an association; on the part of respondent corporate pencil manufacturers, their representatives, etc., respondent Lead Pencil Association, Inc., or any other association of lead pencil manufacturers, its officers, etc., or respondent McDermid, president and commissioner of aforesaid association, or any other party, prohibited; subject to the provision that nothing in aforesaid order shall be construed to prevent the respondents, or any of them, from investigating or consulting with one another, for the purpose of attempting to work out a simplification program for the pencil industry, whether said investigation or consultation is done in conjunction with the National Bureau of Standards, in accordance with the procedure of said Bureau or amongst any or all of respondents; and to further provision that such investigation or consultation shall not be for the purpose of effectuating any agreement or combination among any or all of said respondents, to fix or maintain uniform prices on comparable wood-cased lead pencils or to commit any of the other acts or things from which they are ordered herein to cease and desist. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, The

Joseph Dixon Crucible Company, et al.,
Docket 3643, August 28, 1939]

*United States of America—Before
Federal Trade Commission*

At a regular session of the Federal Trade Commission held at its office in the City of Washington, D. C., on the 28th day of August, A. D. 1939.

Commissioners: Robert E. Freer, Chairman; Garland S. Ferguson, Charles H. March, Ewin L. Davis, William A. Ayres.

IN THE MATTER OF THE JOSEPH DIXON CRUCIBLE COMPANY, THE EBERHARD FABER PENCIL COMPANY, THE AMERICAN LEAD PENCIL COMPANY, EAGLE PENCIL COMPANY, INC., RICHARD BEST PENCIL COMPANY, BLAISDEL PENCIL COMPANY, GENERAL PENCIL COMPANY, HASSENFELD BROTHERS, INC., NATIONAL PENCIL COMPANY, RELIANCE PENCIL COMPANY, UNIVERSAL PENCIL COMPANY, RED CEDAR PENCIL COMPANY, WALLACE PENCIL COMPANY, THE LEAD PENCIL ASSOCIATION, INC., AND WILLIAM A. McDERMID

ORDER TO CEASE AND DESIST

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, the answers of respondents and a stipulation entered into by and between the respondents herein and W. T. Kelley, Chief Counsel for the Federal Trade Commission, whereby it was stipulated and agreed that a statement of facts signed and executed by the respondents and W. T. Kelley, Chief Counsel for the Federal Trade Commission, might be taken as the facts in this proceeding and in lieu of testimony in support of the charges stated in the complaint or in opposition thereto, which stipulation was approved by the Commission, and the Commission having made its findings as to the facts and its conclusion that the said respondents have violated the provisions of the Federal Trade Commission Act:

It is ordered, That the respondents, The Joseph Dixon Crucible Company, The Eberhard Faber Pencil Company, The American Lead Pencil Company, Eagle Pencil Company, Inc., Richard Best Pencil Company, Blaisdel Pencil Company, General Pencil Company, Hassenfeld Brothers, Inc., National Pencil Company, Reliance Pencil Company, Universal Pencil Company, Red Cedar Pencil Company and Wallace Pencil Company, their representatives, successors and assigns, officers, agents and employees, directly or indirectly, or through or by means of respondent, The Lead Pencil Association, Inc., or any other association of lead pencil manufacturers, its officers, representatives and agents, or through or by means of respondent William A. McDermid, or any other party, or by any other means, that the respondents The Lead Pencil Association, Inc., its suc-

cessors or assigns, and William A. McDermid, shall all, in connection with the offering for sale, sale or distribution of wood-cased lead pencils in commerce between and among the various states of the United States and in the District of Columbia, forthwith cease and desist from doing, by agreement or combination, the following acts and things:

1. Fixing or maintaining uniform prices, terms or conditions for the sale of comparable wood-cased lead pencils;
2. Changing simultaneously the prices at which comparable wood-cased lead pencils are to be sold or are sold;
3. Adopting, fixing or determining uniform schedules of quantity or annual cumulative discounts on comparable wood-cased lead pencils;
4. Fixing or determining uniform prices of wood-cased lead pencils known in the trade as "blanks", which are pencils upon which neither the name nor any brand of the manufacturer appears;
5. Offering uniform bids on comparable wood-cased lead pencils to prospective purchasers thereof;
6. (a) Investigating or consulting with each other with respect to a standardization program having as its objective the limitation of the styles, grades or qualities of wood-cased lead pencils manufactured and offered for sale by any of the respondents, (b) reporting to The Lead Pencil Association, Inc., its successors or assigns, or any other association of lead pencil manufacturers, monthly statistics by each member of such an association, showing new orders, production for shipment, unfilled orders, and inventory of finished stock, and causing said association to report to each member thereof industry totals with the individual percentage of any member of such totals, (c) classifying the members of The Lead Pencil Association, Inc., its successors or assigns, or any other association of lead pencil manufacturers, into different classes according to the amount of business done by each respondent member thereof annually, (d) having The Lead Pencil Association, Inc., its successors or assigns, or any other association of lead pencil manufacturers, or William A. McDermid, or any other party or parties connected with The Lead Pencil Association, Inc., its successors or assigns, or any other association of lead pencil manufacturers, supervise the activities of the members of such an association where any or all of the said acts or practices hereinbefore set out in sub-paragraphs (a), (b), (c) and (d) hereof are done for the purpose of effectuating any agreement or combination to fix or maintain uniform prices in the United States for the sale of comparable wood-cased lead pencils.

It is further ordered, That nothing herein shall be construed to prevent the respondents, or any of them, from investigating or consulting with one an-

other, for the purpose of attempting to work out a simplification program for the pencil industry, whether said investigation or consultation is done in conjunction with the National Bureau of Standards, in accordance with the procedure of said Bureau or amongst any or all of respondents; provided, however, that such investigation or consultation shall not be for the purpose of effectuating any agreement or combination among any or all of said respondents to fix or maintain uniform prices on comparable wood-cased lead pencils or to commit any of the other acts or things from which they are ordered herein to cease and desist.

It is still further ordered, That the respondents named in the above caption shall each within sixty (60) days after service upon them of this order file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

By the Commission.

[SEAL]

A. N. Ross,
Acting Secretary.

[F. R. Doc. 39-3222; Filed, September 2, 1939;
9:41 a. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

WAR DEPARTMENT

CHAPTER II—RULES RELATING TO
NAVIGABLE WATERS

PART 205—DUMPING GROUNDS REGULATIONS

§ 205.70 *Pacific Ocean, Honolulu Harbor, T. H.*¹ Pursuant to the provisions of Section 4 of the River and Harbor Act approved March 3, 1905 (33 Stat. 1147; 33 U.S.C. 419) the following dumping grounds in the Pacific Ocean adjacent to Honolulu Harbor, T. H., with regulations relating thereto, are hereby approved:

The Dumping Grounds

(a) (1) *Daytime dumping area.* To the west of a line through Aloha Tower and Fort Armstrong flagstaff (approximate azimuth 8°30') and to the south of an east-west line through Diamond Head Light.

(2) *Nighttime dumping area.* A triangular area outside the 1,000-foot contour, lying west of a line through Aloha Tower light and Pier No. 1 light (approximate azimuth 8°30'), southeast of Kewalo entrance range (approximate azimuth 31°30') marked by range lights, and north of an east-west line through Diamond Head Light.

¹ These regulations are supplementary to Title 33, Chapter II, Part 205, Code of Federal Regulations.

The Regulations

(b) (1) No dumping shall be done in waters adjacent to Honolulu Harbor outside the dumping grounds herein prescribed, unless specifically authorized by a War Department permit.

(2) The dumping grounds may be used only for dumping of suitable non-floatable materials, not easily transported by the currents, from dredging and other operations in Honolulu Harbor and vicinity, such as submarine excavations, ballast and other suitable materials from vessels, and waste materials of suitable character from neighboring land excavations.

(3) All dumping during the daytime shall be done in the day dumping area, and during the nighttime in the night dumping area. Such dumping shall be subject to supervision by the District Engineer, or his representative, who may suspend the privilege at any time, if, in his opinion the interests of navigation so require. No dumping shall be commenced without at least 24 hours' prior notice thereof to the District Engineer.

(4) Dumping of other than dredged materials shall be done only under the supervision of the District Engineer or his representative, and the cost of inspection shall be borne by the party responsible for the dumping.

(5) Inspectors and others while engaged in this service will be afforded satisfactory transportation to and from the dumping grounds, and will be provided protection from the weather.

(6) In all the above cases the District Engineer will provide, if in his judgment it becomes necessary, buoys or a stake boat to be maintained by the United States at the expense of the responsible party.

(7) These regulations shall not be construed as authorizing, without the usual War Department written permit, any dredging in or connecting with the navigable waters.

(8) Dredged material from a single job, in excess of 100,000 cubic yards, shall not be dumped in said areas without the usual War Department written permit.

(9) Dumping of waste materials from neighboring land areas will be limited to 100,000 cubic yards. Dumping in excess of this quantity will be done only under the usual War Department written permit.

(10) Map of the dumping grounds may be seen at the office of the District Engineer, or obtained from him.

(11) These regulations shall take effect and be in force on and after September 15, 1939. (Sec. 4, River and Harbor Act, March 3, 1905, 33 Stat. 1174; 33 U.S.C. 419) [Regs., Aug. 21, 1939 (E.D. 7314 (Pacific Ocean-Hawaii)-1/4)]

[SEAL]

E. S. ADAMS,
Major General,

The Adjutant General.

[F. R. Doc. 39-3223; Filed, September 2, 1939; 9:43 a. m.]

BUREAU OF MARINE INSPECTION
AND NAVIGATIONAMENDMENTS TO REGULATIONS RELATING
TO ENTRY AND CLEARANCE OF AIRCRAFT¹

A new section numbered 609.0 is to be added to precede immediately section 609.1, to read as follows:

§ 609.0 *Scope of regulations.* All navigation laws and regulations pertaining to the entry and clearance of vessels shall apply to civil aircraft to such extent and upon such conditions as are provided for in these regulations.

Section 609.2 *Entry* is amended by the addition of a new paragraph at the end thereof to read as follows:

As soon as practicable after any such landing, including a forced landing, or within twenty-four hours thereafter in any event, the person having charge or command of the aircraft shall report the arrival of the aircraft to the nearest customs officer and shall not depart from the place of such landing until after such report has been made.

Section 609.3 *Clearance* is amended by the addition of a new subsection lettered (f), to read as follows:

(f) Before a clearance is granted to any aircraft in accordance with the provisions of this section, the Collector will verify the compliance with all the applicable provisions of 46 CFR 5.1 (f) of the regulations for the foreign clearance of vessels.

[44 Stat. 572, 52 U.S.C. 177; 46 Stat. 761, 19 U.S.C. 1644]

[SEAL] EDWARD J. NOBLE,
Acting Secretary of Commerce.

SEPTEMBER 2, 1939.

[F. R. Doc. 39-3225; Filed, September 2, 1939; 1:01 p. m.]

Notices

DEPARTMENT OF THE INTERIOR.

Bituminous Coal Division.

[Docket No. 485-FD]

IN THE MATTER OF THE APPLICATION OF
INLAND STEEL COMPANY

ORDER GRANTING RENEWAL OF EXEMPTION

Inland Steel Company, applicant herein, having on April 12, 1938, filed with the National Bituminous Coal Commission a verified application for exemption with respect to certain bituminous coal produced and consumed by the applicant, or produced and transported by applicant to itself for consumption by it, in the manufacture of steel at its plant in Indiana Harbor, Indiana; and

The Commission having, on August 31, 1938, entered an order pursuant to such application, in Docket No. 485-FD,

¹ Prior regulations appearing at 3 F.R. 2130 DI should have appeared under "Bureau of Marine Inspection and Navigation" rather than "Bureau of Air Commerce."

ordering that the provisions of Section 4, Part II (1) of the Bituminous Coal Act of 1937 apply to the bituminous coal produced by applicant at its mines located at Wheelwright, Kentucky, which is consumed by applicant in the general manufacture of steel at Indiana Harbor, Indiana, and that such coal shall not be deemed subject to the provisions of Section 4 of the Bituminous Coal Act of 1937, and further ordering applicant to apply annually thereafter, and at such other times as the Commission may require, for renewal of said order, and to file such accompanying reports as will enable the Commission to determine whether the facts as found in said order continue to exist; and

Applicant having, on August 28, 1939, filed with the Director of the Bituminous Coal Division a verified application for renewal of said order, which application contains a statement of the quantities of coal produced by applicant during the year 1938 and the portion of the year 1939 ending July 31, 1939, at its mines located at Wheelwright, Kentucky, and the portion thereof which is consumed by applicant in the general manufacture of steel at Indiana Harbor, Indiana, and which application also contains a statement that all the facts set forth in the application of April 12, 1938, remain true and correct; and

The Director having determined that the conditions supporting the exemption granted by the order of August 31, 1938, continue to exist:

It is ordered, That the application filed by the applicant for renewal of said Order of August 31, 1938, be and the same is hereby granted;

Provided, however, That said Order of August 31, 1938, and the exemption granted thereby shall automatically terminate and expire

1. Unless the applicant, on or before August 1, 1940, files an application for renewal of said order;

2. Unless the applicant, on the fifteenth day of each month hereafter, beginning on September 15, 1939, files with the Director a verified report containing the following information, which the Director hereby finds to be necessary and appropriate to enable him to determine whether the conditions supporting the exemption granted to the applicant continue to exist:

(a) The full name and business address of applicant, and the name and location of the mine or mines covered by this application.

(b) The total tonnage of bituminous coal produced by applicant during the preceding month at such mine or mines.

(c) The total tonnage of such production which was consumed by applicant, and the nature and purpose of such consumption.

(d) Whether any change has occurred in the ownership of the mine or mines from which the coal in question was pro-

duced, or in the ownership of the plant, factory or other facility at which the coal was consumed.

(e) Whether there has been a change in the agency or instrumentality through which the coal was being produced at the time the order of August 31, 1938, was entered, and if such change has occurred, the nature thereof;

3. In no event later than September 1, 1940, or such earlier date as the Director shall fix after notice and opportunity for hearing; and

It is further ordered, That any interested party may at any time file with the Director a petition requesting that the applicant be directed to show cause why the exemption granted by said Order of August 31, 1938, should not be terminated. Any person filing such petition shall serve a copy thereof upon the applicant herein.

Dated, September 1, 1939.

H. A. GRAY,
Director.

[F. R. Doc. 39-3226; Filed, September 5, 1939;
10:38 a. m.]

[Docket No. 486-FD]

IN THE MATTER OF THE APPLICATION OF
THE NORFOLK AND WESTERN RAILWAY
COMPANY

ORDER GRANTING RENEWAL OF EXEMPTION

The Norfolk and Western Railway Company, applicant herein, on July 10, 1937, having filed with the National Bituminous Coal Commission a verified application for exemption with respect to certain bituminous coal produced and consumed by the applicant, or produced and transported by the applicant to itself for consumption by it in its operation as a common carrier by railroad; and

The Commission having entered, on August 31, 1938, an order pursuant to such application, in Docket No. 486-FD, ordering that the provisions of Section 4, Part II (1) of the Bituminous Coal Act of 1937 apply to the bituminous coal produced by applicant at its mines known as "Howard Collieries" and "Vulcan Collieries", located in Mingo County, West Virginia, and "Pond Creek Collieries", located in Pike County, Kentucky, which is consumed by the applicant in its operation as a common carrier by railroad, and that such coal shall not be deemed subject to the provisions of Section 4 of the Bituminous Coal Act of 1937, and further ordering applicant to apply annually thereafter, and at such other times as the Commission may require, for renewal of said order, and file such accompanying reports as will enable the Commission to determine whether the facts as found in said order continue to exist; and

Applicant, on August 10, 1939, having filed a verified application for renewal of said order, which application contains a statement of the quantities of coal produced by applicant during the years 1937 and 1938 at its mines located in Mingo County, West Virginia; and Pike County, Kentucky, and consumed by applicant in its operation as a common carrier by railroad, and which application also contains a statement that all the facts as set forth in the application of July 10, 1937, remain true and correct; and

The Director having determined that the conditions supporting the exemption granted by the order of August 31, 1938, continue to exist:

It is ordered, That the application filed by the applicant for renewal of said Order of August 31, 1938, be and the same is hereby granted;

Provided, however, That said Order of August 31, 1938, and the exemption granted thereby shall automatically terminate and expire

1. Unless the applicant, on or before August 1, 1940, files an application for renewal of said Order;

2. Unless the applicant, on the fifteenth day of each month hereafter, beginning on September 15, 1939, files with the Director a verified report containing the following information, which the Director hereby finds to be necessary and appropriate to enable him to determine whether the conditions supporting the exemption granted to the applicant continue to exist:

(a) The full name and business address of applicant, and the name and location of the mine or mines covered by this application.

(b) The total tonnage of bituminous coal produced by applicant during the preceding month at such mine or mines.

(c) The total tonnage of such production which was consumed by applicant,

and the nature and purpose of such consumption.

(d) Whether any change has occurred in the ownership of the mine or mines from which the coal in question was produced, or in the ownership of the plant, factory or other facility at which the coal was consumed.

(e) Whether there has been a change in the agency or instrumentality through which the coal was being produced at the time the order of August 31, 1938, was entered, and if such change has occurred, the nature thereof;

3. In no event later than September 1, 1940, or such earlier date as the Director shall fix after notice and opportunity for hearing; and

It is further ordered, That any interested party may at any time file with the Director a petition requesting that the applicant be directed to show cause why the exemption granted by said Order of August 31, 1938, should not be terminated. Any person filing such petition shall serve a copy thereof upon the applicant herein.

Dated, September 2, 1939.

H. A. GRAY,
Director.

[F. R. Doc. 39-3227; Filed, September 5, 1939;
10:38 a. m.]

DEPARTMENT OF LABOR.

Wage and Hour Division.

IN THE MATTER OF J. FREEZER & SON, INC.

NOTICE OF ISSUANCE OF SPECIAL CERTIFICATE FOR EMPLOYMENT OF LEARNERS

Notice is hereby given that a Special Certificate for the employment of learners at wages lower than the minimum wage applicable under Section 6 of the Fair Labor Standards Act of 1938 is issued to J. Freezer and Son, Incorporated, Christiansburg, Virginia, subject to the following terms:

Name of firm	Number of learners	Industry	Occupation	Period	Beginning	Percent of minimum wage
J. Freezer & Son, Inc., Christiansburg, Va.	150	Apparel (men's cotton shirts).	Stitching...	8 wks. ...	Sept. 25, 1939	75

This Special Certificate is issued ex parte under Section 14 of the said Act and Section 522.5 (b) of Regulations Part 522,¹ as amended. For fifteen days following the publication of this notice the Administrator will receive detailed written objections to this Special Certificate and requests for hearing from interested persons. Upon due consideration of such objections as provided for in said Section 522.5 (b), such Special Certificate may be canceled as of the

date of its issuance and if so canceled, reimbursement of all persons employed under such certificate must be made in an amount equal to the difference between the applicable statutory minimum wage and any lesser wage paid such persons.

Signed at Washington, D. C., this 31st day of August 1939.

MERLE D. VINCENT,
Chief of Hearings and
Exemptions Section.

[F. R. Doc. 39-3221; Filed, September 1, 1939;
3:14 p. m.]

¹ 4 F.R. 2088 DL.

CIVIL AERONAUTICS AUTHORITY.

[Docket Nos. 12-401 (B)-1, 195]

IN THE MATTER OF THE APPLICATIONS OF TRANS-SOUTHERN AIRLINES, INC., AND BRANIFF AIRWAYS, INC., FOR CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY UNDER SECTION 401 (b) OF THE CIVIL AERONAUTICS ACT OF 1938

NOTICE OF POSTPONEMENT OF HEARING

Public hearing in the above-entitled proceeding, involving the applications of Trans-Southern Airlines, Inc., and Braniff Airways, Inc., for certificates of public convenience and necessity authorizing air transportation between Amarillo, Texas, Dill, Oklahoma City, Muskogee, Tulsa and Shawnee, Okla., Fort Smith and Russellville, Ark., Memphis, Tenn. and Atlanta, Ga., now assigned for September 18, 1939,¹ is hereby postponed until September 25, 1939, 10 o'clock a. m. (Eastern Standard Time), at the Raleigh Hotel, 12th Street and Pennsylvania Avenue NW., Washington, D. C., before Examiner Frank A. Law, Jr.

Dated Washington, D. C., September 2, 1939.

By the authority.

[SEAL] PAUL J. FRIZZELL,
Secretary.

[F. R. Doc. 39-3233; Filed, September 5, 1939;
11:10 a. m.]

FEDERAL COMMUNICATIONS COMMISSION.

[Docket No. 5453]

IN RE APPLICATION OF MATHESON RADIO COMPANY INC. (WHDH)

Dated, July 27, 1939; for construction permit; class of service, broadcast; class of station, broadcast; location, Saugus, Mass.—Trans., Boston, Mass.—Studio; operating assignment specified: frequency, 830 kc directional antenna night; power, 5 kw night; 5 kw day; hours of operation, unlimited

[File No. B1-P-2201]

NOTICE OF HEARING

The foregoing application has been designated for hearing at the office of the Commission, Washington, D. C., on the 10th day of October 1939.

1. To determine whether the interests of any other stations may be adversely affected by reason of interference, particularly Stations KOA, WRUF, WEEU and WABC;

2. Because of the pendency of another application with which conflict may be had by reason of interference, i. e. (B3-P-2408) WRUF;

¹ 4 F. R. 2844 DL

3. To determine whether public interest, convenience or necessity would be served by modifying the Rules Governing Standard Broadcast Stations, particularly Sections 3.22 and 3.25 (Part 3), to authorize the operation of WHDH as proposed;

4. To determine whether Station WHDH, operating as proposed on 830 kc with 5 kw power would render the type of service for which said frequency is designated under the Commission's plan of allocation and Standards of Good Engineering Practice.

The application involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicant on the basis of a record duly and properly made by means of a formal hearing.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of Section 1.382 (b) of the Commission's Rules of Practice and Procedure. Persons other than the applicant who desire to be heard must file a petition to intervene in accordance with the provisions of Section 1.102 of the Commission's Rules of Practice and Procedure.

The applicant's address is as follows:

Matheson Radio Co. Inc.
Radio Station WHDH,
Hotel Touraine, 62 Boylston St.,
Boston, Mass.

Dated at Washington, D. C., September 2, 1939.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 39-3234; Filed, September 5, 1939;
11:39 a. m.]

SECURITIES AND EXCHANGE COMMISSION.

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 30th day of August, A. D. 1939.

[File No. 43-241]

IN THE MATTER OF WESTERN STATES UTILITIES COMPANY

ORDER ALLOWING DECLARATION TO BECOME EFFECTIVE REGARDING THE ISSUE OF BONDS BY A SUBSIDIARY OF A REGISTERED HOLDING COMPANY

Western States Utilities Company, a subsidiary of Peoples Light and Power Company, a registered holding company, having filed with this Commission a declaration and amendments thereto pursuant to Section 7 of the Public Utility Holding Company Act of 1935 regarding

the issuance and sale by declarant of \$350,000 of First Mortgage 4½% Bonds due September 1, 1959; public hearing thereon having been duly held after appropriate notice; the record in this matter having been duly considered; and the Commission having filed its findings therein;

It is ordered, That such declaration be and become effective forthwith subject, however, to the condition that the issue and sale of the aforesaid bonds shall be effected in substantial compliance with the terms and conditions set forth in and for the purposes represented by said declaration as amended.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 39-3229; Filed, September 5, 1939;
10:52 a. m.]

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 30th day of August, A. D. 1939.

[File No. 50-5]

IN THE MATTER OF AMERICAN GAS AND POWER COMPANY AND BIRMINGHAM GAS COMPANY

ORDER RELATIVE TO PAYMENT OF FEES AND EXPENSES

American Gas and Power Company, a registered holding company, and Birmingham Gas Company, a subsidiary company of said American Gas and Power Company, having applied to this Commission for approval of the payment of fees and expenses incurred in connection with the Plan of Recapitalization of Birmingham Gas Company, which was the subject of the report of this Commission adopted by an order filed herein under date of September 29, 1938, the present application being pursuant to a provision of an order of like date heretofore filed herein whereby the declarations under Section 7¹ filed in this proceeding were permitted to become effective subject to a reservation of jurisdiction by the Commission to pass upon fees and expenses incurred and to be incurred in connection with said Plan of Recapitalization, pursuant to Section 7 (d) (4);

A public hearing having been held upon said application after appropriate notice, the record having been duly examined, and the Commission having made and filed its findings herein;

It is ordered, That:

The payment of fees and expenses, jurisdiction concerning which was reserved

¹ Public Utility Holding Company Act of 1935, Sections 7, 11 (g) and 12 (c) and Rules U-12C-1 (b), U-12D-1, U-12E-4 and U-12E-5).

by order of this Commission dated September 29, 1938, as set forth in the post-amendment of the original application in this proceeding plus the further payment of \$387.95 of telephone charges, telegrams, postage and similar expenditures to Kalman & Company, reimbursements for expenses incurred by that firm in this connection, be and the same are hereby approved;

Provided, and this order is entered upon the following conditions:

(a) In the payment of the fees and expenses, payment of which is hereby authorized, there shall be deducted, in each instance, the amounts, if any, already paid upon the respective items involved;

(b) No further payment of any fees and expenses hereby approved shall be made until, and unless, such payments shall have been approved, and only to the extent that the same shall have been approved, by the Public Service Commission of Alabama.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 39-3230; Filed, September 5, 1939;
10:52 a. m.]

*United States of America—Before the
Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 1st day of September, A. D. 1939.

[File No. 31-73]

IN THE MATTER OF THE APPLICATION OF
WISCONSIN SECURITIES COMPANY

NOTICE OF AND ORDER FOR HEARING

An application for exemption pursuant to section 3 (a) (3) (A) of the Public Utility Holding Company Act of 1935, having been duly filed with this Commission by the above-named party;

It is ordered, That a hearing on such matter be held on September 21, 1939, at 10 o'clock in the forenoon of that day, at the Securities and Exchange Building, 1778 Pennsylvania Avenue, NW., Washington, D. C. On such day the hearing-room clerk in room 1102 will advise as to the room where such hearing will be held. At such hearing, if in respect of any declaration, cause shall be shown why such declaration shall become effective.

It is further ordered, That Charles S. Lobingier or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearings in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under

section 18 (c) of said Act and to a trial examiner under the Commission's Rules of Practice to continue or postpone said hearing from time to time.

Notice of such hearing is hereby given to such declarant or applicant and to any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before September 16, 1939.

The matter concerned herewith is in regard to the application filed by Wisconsin Securities Company for exemption as a holding company from the provisions of the Public Utility Holding Company Act of 1935; the applicant being an investment company owning more than 10% of the voting securities of Mississippi Valley Public Service Company, a public utility company.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 39-3231; Filed, September 5, 1939;
10:52 a. m.]

*United States of America—Before the
Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 1st day of September, A. D. 1939.

[File No. 49-169]

IN THE MATTER OF ARKANSAS LOUISIANA
GAS COMPANY, ARKANSAS NATURAL GAS
CORPORATION

NOTICE OF AND ORDER FOR HEARING

A declaration and combined application pursuant to sections 7, 10 (a) (1) and Rule U-12F-1 of the Public Utility Holding Company Act of 1935, having been duly filed with this Commission by the above-named parties;

It is ordered, That a hearing on such matters be held on September 15, 1939, at 10:00 o'clock in the forenoon of that day, at the Securities and Exchange Building, 1778 Pennsylvania Avenue NW., Washington, D. C. On such day the hearing-room clerk in room 1102 will advise as to the room where such hearing will be held. At such hearing, if in respect of any declaration, cause shall be shown why such declaration shall become effective.

It is further ordered, That James G. Ewell or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearings in such matter. The officer so desig-

nated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to a trial examiner under the Commission's Rules of Practice to continue or postpone said hearing from time to time.

Notice of such hearing is hereby given to such declarant or applicant and to any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before September 11, 1939.

The matters concerned herewith are in regard to the proposed issue and sale by Arkansas Louisiana Gas Company, the declarant, of \$3,300,000 in principal amount of First Mortgage Bonds, 2½% Series A, due 1940-1944; \$9,700,000 principal amount First Mortgage Bonds, 3½% Series B, due 1945-1954; and \$6,500,000 principal amount of 5% Debenture due September 2, 1955.

The proposed bonds will be sold privately to two banking institutions and six insurance companies at 100% of their principal amount. The proceeds of such sale, in the amount of \$13,000,000 will be used to retire declarant's outstanding \$9,100,000 principal amount of First Mortgage Bonds, 4% Series due 1951, at 101½, and \$3,500,000 principal amount of 5% Debentures due 1952, at the face amount.

The proposed 5% Debenture due 1955, in the amount of \$6,500,000, will be issued to Arkansas Natural Gas Corporation (applicant herein), declarant's parent and a registered holding company, to retire an equal principal amount of said 5% Debentures due 1952 held by applicant.

Applicant presently owns all of declarant's outstanding 5% Debentures due 1952, in the total amount of \$10,000,000, which are pledged as collateral for applicant's 6% note in the principal amount of \$4,266,386.41 held by Cities Service Company, parent of applicant. The application states that with the proceeds derived from the retirement with cash, as aforesaid, of \$3,500,000 of declarant's 5% Debentures due 1952 held by applicant, \$3,000,000 will be applied to reduce the principal of said note held by Cities Service Company.

Arkansas Louisiana Gas Company has filed a declaration pursuant to Section 7 with respect to the issuance of the aforesaid securities. The parent, Arkansas Natural Gas Corporation, has filed an application pursuant to Section 10 (a) (1) for approval of the acquisition of the proposed 5% Debenture due 1955 and an application pursuant to Rule U-12F-1

for approval of the sale to declarant of the latter's outstanding \$10,000,000 5% Debentures due 1952 to be retired.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 39-3232; Filed, September 5, 1939;
10:52 a. m.]

UNITED STATES CIVIL SERVICE COMMISSION.

CONDITION OF THE APPORTIONMENT AT
CLOSE OF BUSINESS THURSDAY, AUGUST
31, 1939

Important. Although the apportioned classified civil service is by law located only in Washington, D. C., it nevertheless includes only about half of the Federal Civilian positions in the District of Columbia. Positions in local post offices, customs districts and other field services outside of the District of Columbia which are subject to the Civil Service Act are filled almost wholly by persons who are local residents of the general community in which the vacancies exist. It should be noted and understood that so long as a person occupies, by original appointment, a position in the apportioned service, the charge for his appointment continues to run against his State of original residence. Certifications of eligibles are first made from States which are in arrears.

State	Number of positions to which entitled	Number of positions occupied
IN ARREARS		
1. Virgin Islands	9	0
2. Puerto Rico	621	42
3. Hawaii	148	17
4. California	2,284	799
5. Alaska	24	9
6. Texas	2,343	931
7. Michigan	1,948	927
8. Louisiana	845	403
9. Arizona	175	89
10. New Jersey	1,626	878
11. South Carolina	699	403
12. Ohio	2,674	1,609
13. Mississippi	809	495
14. Oklahoma	964	592
15. Alabama	1,065	666
16. New Mexico	170	107
17. Arkansas	746	475
18. Georgia	1,170	772
19. Kentucky	1,052	706
20. North Carolina	1,275	893
21. Tennessee	1,053	810
22. Illinois	3,070	2,375
23. Wisconsin	1,182	924
24. Connecticut	646	522
25. Indiana	1,303	1,140
26. Delaware	96	85
27. Nevada	37	33
28. Oregon	384	343
29. Florida	591	542
30. Idaho	179	167
31. New Hampshire	187	175
32. Pennsylvania	3,875	3,735
33. New York	5,064	4,927
34. West Virginia	696	690
35. Massachusetts	1,710	1,696
36. Maine	321	319
37. Colorado	417	416
QUOTA FILLED		
38. Wyoming	91	91
39. Missouri	1,460	1,460
40. Washington	629	629

State	Number of positions to which entitled	Number of positions occupied	Net gain or loss since July 1, 1939
IN EXCESS			
41. Vermont	145	146	-1
42. Utah	204	211	+8
43. Montana	216	230	-2
44. Kansas	757	813	-6
45. Rhode Island	277	302	-4
46. South Dakota	279	310	-2
47. North Dakota	274	306	-4
48. Minnesota	1,031	1,171	-5
49. Iowa	994	1,129	-8
50. Nebraska	554	655	+1
51. Virginia	974	2,041	+3
52. Maryland	656	2,067	+20
53. District of Columbia	196	8,892	+7
GAINS			
By appointment			64
By reinstatement			5
By transfer			37
Total			106
LOSSES			
By separation			96
By transfer			133
Total			229
Total appointments			50,195
NOTE: Number of employees occupying apportioned positions who are excluded from the apportionment figures under Section 2, Rule VII, and the Attorney General's Opinion of Aug. 25, 1934, 15,500.			
By direction of the Commission.			
[SEAL] L. A. MOYER, Executive Director and Chief Examiner.			
[F. R. Doc. 39-3228; Filed, September 5, 1939; 10:41 a. m.]			